

Application Number: 10/531,324
Amendment Dated: August 18, 2010
Reply to Office Action of: February 18, 2010

REMARKS

No claims are added and claim 23 is canceled. Claims 16, 18 and 20 are amended. Claims 1-22 are currently pending.

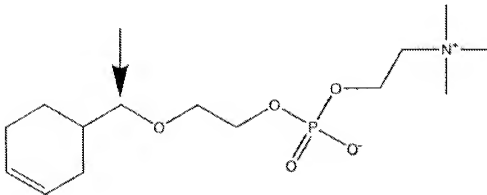
Indefiniteness

The Office Action rejects claims 16, 18 and 20 under 35 U.S.C. 112 as indefinite for various reasons enumerated on pages 2 of the Office Action. Applicant amends the subject claims by incorporating the Examiner's suggestions and respectfully requests withdrawal of the rejections.

Anticipation - Freeman

The rejection of claims 1, 2, 4-15, 17, 19 and 21 under 35 U.S.C. 102(b) as anticipated by WO 98/55533 to Freeman is maintained in the Office Action. Specifically, the Office Action notes that compounds disclosed in Examples 1 and 2 on pages 12-15 anticipate compounds that fall within the scope of these claims. Applicant respectfully traverses.

Each of the compounds disclosed in Examples 1 and 2 has an ether chain with a methylene group positioned between a cyclic group and an oxygen atom. For example, below is the structural formula of the compound identified as 3-cyclohexen-1-methoxyethyl-2'-(trimethylammonium ethyl)phosphate in Example 1 (Methylene group identified with arrow):



Application Number: 10/531,324
Amendment Dated: August 18, 2010
Reply to Office Action of: February 18, 2010

In contrast to the Freeman compounds, no compound recited in the claims has a methylene group separating a cyclic structure and an oxygen atom in that position. Consequently, the claims are not anticipated by Freeman and Applicant respectfully requests withdrawal of the rejection.

Anticipation – Fong

The Office Action also rejects claims 1, 4-15, 17, 19 and 21 as anticipated by a non-patent reference to Fong et al. Applicant respectfully traverses.

Fong discloses a variety of phospholipids. However, Fong fails to teach, disclose or suggest compounds having a cyclic, bicyclic or tricyclic ring system in the Y position, as is clearly required by the pending claims. Consequently, Fong can not anticipate claims 1, 4-15, 17, 19 and 21. Applicant respectfully requests withdrawal of the rejection.

Conclusion

The herein amendment having placed the pending claims in condition for allowance, Applicant respectfully requests withdrawal of the rejections and issuance of a Notice of Allowance including claims 1-22. The Examiner is requested to telephone Applicant's undersigned counsel at 860-527-9211 if it is believed that a telephone conference will expedite prosecution.

Application Number: 10/531,324
Amendment Dated: August 18, 2010
Reply to Office Action of: February 18, 2010

Applicant includes an electronic payment for a three month extension of time. The Commissioner is authorized and requested to charge any deficiency to USPTO deposit account number 16-2563.

Respectfully Submitted,

Theodora Calogeropoulou et al.

By: /Alexander E. Andrews/

Alexander E. Andrews
Registration No. 62,205
Alix, Yale & Ristas, LLP
Attorney for Applicant

Date: August 18, 2010
750 Main Street, Suite 1400
Hartford, CT 06103-2721
(860) 527-9211
Our Ref: MAK/102/PC/US

AEA/keb

G:\A\YR saved docs\Filing Docs\mak\mak102pcus\mak102pcus-OARespond81319.doc